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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,334	06/21/2001	Kael Duaine Burden	BURD-0275	5412

7590 10/10/2002

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 10/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/886,334	<b>Applicant(s)</b> BURDEN, KAELE DUANE	
	<b>Examiner</b> Clement B Graham	<b>Art Unit</b> 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7 May 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 and 32-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 32-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>1-2</u> | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. **This office action is in response to Applicant's amendment filed on 5/7/02.**

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negated by the manner in which the invention was made.

3. Claims 1-17, 32-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori et al U. S. Patent No 6,070,148 in view of Blian Barton U.S Patent 6,164,533.

As per claim 1, 12, 35, Mori discloses an ATM which can be used as a transaction device and an electronic commerce system having a transaction device, business connection server for performing a transaction with the said transaction device and a network for connecting the transaction device and information in regards to a display unit which displays screen information sent in through the network. (See column 7 lines 30-35 and column 3 lines 5-15 and column 20 lines 35-65). ). Mori et al also discloses an IC card is being used as means of user identification. (Note abstract).

Mori discloses an IC card which is used as an identifier and a portable recording medium processed by the user for use and performing various transactions and information collection and settlement transaction account to manage money settled or Spent. (See column 5 lines 5-30 and column 10 lines 20-45). Mori et al does not explicitly teach investor identifier at least partially enclosed within the housing or configured to receive a unique identifier or money receiver at least partially enclosed

within the housing and configured to receive and identify money to be invested and processor at least partially enclosed within the housing configured to receive input from investor and to transmit a signal representative of the input for use in investing at least a portion of money in association with the identifier received from the investor this is taught by Barton. Barton discloses a card reader is provided with a display and a keypad, the card reader is positioned at the point of sale and is further connected to the point of sale register for reading a debit/credit card and ascertaining an identification of a holder of the debit/credit card. Further, the card reader is adapted to receive the total sale amount and the total coupon amount from the point of sale register, the card reader may be used in carrying out various other tasks commonly associated with card readers, namely authorizing charges and the like. A coin collector is also connected to a card reader for ascertaining an identification of a holder of the debit/credit card. The coin collector serves to count and sort a plurality of coins, thereby generating a total change amount. (Note abstract and see column 4 lines 40-55 of Barton). Barton also discloses connected to the phone service provider and the debit/credit provider is a saving program provider for receiving the savings program contribution amount and the identification of the holder of the corresponding card. Upon such receipt, the phone service provider further contributes the savings program contribution to an investment of the holder of the corresponding card, the saving program provider is adapted to generate tabular summaries of the contributions to the investment. The investment may take the form of an IRA, money market account or any other means of saving money. The saving program provider is also connected to a telecommunication network and

allows restricted access to such summaries via the World Wide Web providing secure connections and the transfer of information by the various providers and remaining components set forth hereinabove are carried by electrical or other types of signals (See column 5 lines 25-35 of Barton). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mori et al to include Barton in order to have an investment system within a housing and to ascertain the identification of a holder of the debit/credit card. The benefit would have been to have the investment machine displayed in public to attract a larger amount of customers and whereby customers can have their money invested creating a financial gain an institution.

**As per claim 2, 36,** The teachings of Mori et al are addressed above. Mori et al does not explicitly teach investment selector interface configured to receive an investment preference from the investor and transmit the investment preference to the processor this is taught by Barton. Barton discloses customers are able to adjust fund selections for their IRAs, non-real time however for protection, not the amounts themselves. The changes to the investment portfolios will not take place until the following business day and no funds are converted to new fund selection until authorized. (See column 6 lines 20-25 of Barton). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mori et al to include Barton in order to select funds or adjust their fund choices. The benefit would have been to for a customer to make changes to their portfolios.

**As per claim 3, 37,** Mori et al discloses a touch panel for displaying various types of guidance and performing input operations and a button for performing selection inputting. (See column 7 lines 30-35 and column 14 line 65 and column 15 line 5 of Mori et al).

**As per claims 4, 10, 38,** (Note column 11 lines 4-26 and figures 14-15 of Mori et al. Mori et al discloses a touch panel for displaying various types of guidance and performing input operations and a button for performing selection inputting. (See column 7 lines 30-35 and column 14 line 65 and column 15 line 5 of Mori et al).

Identifying the money to be invested would have been obvious to one of ordinary skill in the art for payment purposes and also for identifying how much should be allocated to a type of investment.

**As per claims 5-6, 39-40,** Mori et al discloses a system comprises of network communication connecting to a transaction device and a network for connecting said transaction device and a business server and a processor in an IC chip mounted on the IC card (See column 3 lines 5-30 and column 6 lines 5-10).

**As per claims 7-9, 41-43,** Mori discloses information as related to displaying investment information, advertising information and commodity password information which is representative of account information and a view of an example of data configuration of the advertisement condition table, which is a table for defining advertising information as it relates to a company (See column 6 lines 50-65 and column 8 line 65 and column 9 lines 5-40).

**As per claims 11, 44,** The teachings of Mori et al are addressed above. Mori et al does not explicitly teach invest report disburser with the processor and configured to disburse a report associated with the investors unique identifier this is taught by Barton. Barton discloses all account balances and portfolios can be managed or viewed by customer on a daily basis and all transactions are sent, logged, and archived to server and internet active server pages reflecting individual investment portfolios are updated and statements are sent to each person every quarter (See column 6 lines 40-45 of Barton). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mori et al to include Barton in order to produce a investment reports that can be viewed via the internet or by receiving an hard copy quarterly from the institution. The benefit would have been for a customer to have the option of viewing and printing statements using Internet.

**As per claim 13,** (Note column 11 lines 4-26 and figures 14-15 of Mori et al).

**As per claim 14,** (Note figures 14-15 of Mori et al).

**As per claim 15, 32, 34** Mori et al discloses an IC card is used as means of user identification. (Note abstract). Mori et al also discloses an IC card which is used as a identifier and a portable recording medium processed by the user for use and performing various transactions and information collection and settlement transaction account to manage money settled or spent. (See column 5 lines 5-30 and column 10 lines 20-45). Mori et al also discloses a touch panel for displaying various types of guidance and performing input operations. (See column 7 lines 29-35). Mori et al does not explicitly teach selecting a current investment preference or option at the investment

machine this taught by Barton. Barton discloses a card reader is provided with a display and a keypad, the card reader is positioned at the point of sale and is further connected to the point of sale register for reading a debit/credit card and ascertaining an identification of a holder of the debit/credit card. Further, the card reader is adapted to receive the total sale amount and the total coupon amount from the point of sale register, the card reader may be used in carrying out various other tasks commonly associated with card readers, namely authorizing charges and the like. A coin collector is also connected to a card reader for ascertaining an identification of a holder of the debit/credit card. The coin collector serves to count and sort a plurality of coins, thereby generating a total change amount. (Note abstract and see column 4 lines 40-55 of Barton). Barton also discloses connected to the phone service provider and the debit/credit provider is a saving program provider for receiving the savings program contribution amount and the identification of the holder of the corresponding card. Upon such receipt, the phone service provider further contributes the savings program contribution to an investment of the holder of the corresponding card, the saving program provider is adapted to generate tabular summaries of the contributions to the investment. The investment may take the form of an IRA, money market account or any other means of saving money. The saving program provider is also connected to a telecommunication network and allows restricted access to such summaries via the World Wide Web providing secure connections and the transfer of information by the various providers and remaining components set forth hereinabove are carried by electrical or other types of signals. (See column 5 lines 25-35 of Barton). It would have



been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Mori et al to include Barton in order to have an investment system within a housing and to ascertain the identification of a holder of the debit/credit card. The benefit would have been to have the investment machine displayed in public to attract a larger amount of customers and whereby customers can have their money invested creating a financial gain an institution.

**As per claim 16, 33,** Mori et al discloses inputting, transferring transaction data to the IC card which is interpreted as a report.

**As per claim 17,** Mori et al discloses information as relates to money receiver configured to receive a card type, such as a credit card, a cash card contain a magnetic strip, or the like having a CPU and a memory. (See column 5 lines 5-30 note column 11 lines 4-26 and figures 14-15).

#### Conclusion

4. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Baker (US 6,336,105 Patent) teaches a rapid method of analysis for correlation of assets return to future financial liabilities.

Wallman (US Patent 6,338,047) teaches a method and system for investing in a group of investments that are selected based on the aggregated individual preference of plural investors.


Powell (US Publication 2001/0032189) teaches a method and apparatus for a cryptographically assisted commercial network system design to facilitate idea submission purchase and licensing and innovation transfer.

Tammaro (US Publication 20010034679) teaches platform independent and non-invasive financial report mark-up.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantzy Ponvil can be reached on 703-305-9779. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
AU 3628

CG  
September 9, 2002